
WELSH STATUTORY INSTRUMENTS

2004 No. 1020

The National Health Service (Performers Lists) (Wales) Regulations 2004

PART 2

PROVISIONS AS TO PERFORMERS LISTS

Appeals

15.—(1) A performer may appeal (by way of redetermination) to the [^{F1}First-tier Tribunal] against a decision of a Local Health Board mentioned in paragraph (2) ^{F2}...

(2) The Local Health Board decisions in question are decisions —

- (a) to refuse admission to a performers list under regulation 6(1);
- (b) to impose a particular condition under regulation 8, or to vary any condition or to impose a different condition under that regulation;
- (c) on a review, under regulation 14, of a conditional inclusion under regulation 8;
- (d) to remove the performer under regulations 8(2), 10(3) or (6), 12(3)(c) or 15(6)(b);
- (e) to impose a particular condition under regulation 12, or to vary any condition or to impose a different condition under that regulation;
- (f) on a review, under regulation 14, of a contingent removal under regulation 12; and
- (g) that the relevant Part prescribes that the performer may appeal to the [^{F3}First-tier Tribunal].

(3) On appeal the [^{F4}First-tier Tribunal] may make any decision which the Local Health Board could have made.

(4) Where the decision of the [^{F4}First-tier Tribunal] on appeal is that the appellant's inclusion in a performers list is to be subject to conditions, whether or not those conditions are identical with the conditions imposed by the Local Health Board, the Local Health Board shall ask the performer to notify it within 28 days of the decision (or such longer period as the Local Health Board may agree) whether the performer wishes to be included on its performers list subject to those conditions.

(5) If the performer notifies the Local Health Board that the performer does wish to be included in a performers list subject to the conditions, the Local Health Board shall so include the performer.

(6) Where the [^{F5}First-tier Tribunal] on appeal decides to impose a contingent removal —

- (a) the Local Health Board and the performer may each apply to the [^{F5}First-tier Tribunal] for the conditions imposed on the performer to be varied, for different conditions to be imposed, or for the contingent removal to be revoked; and
- (b) the Local Health Board may remove the performer from its performers list if it determines that the performer has failed to comply with any such condition.

Textual Amendments

- F1** Words in reg. 15(1) substituted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), **Sch. 3 para. 70(a)(i)**
- F2** Words in reg. 15(1) omitted (18.1.2010) by virtue of [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), **Sch. 3 para. 70(a)(ii)**
- F3** Words in reg. 15(2)(g) substituted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), **Sch. 3 para. 70(b)**
- F4** Words in reg. 15(3)(4) substituted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), **Sch. 3 para. 70(b)**
- F5** Words in reg. 15(6) substituted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), **Sch. 3 para. 70(b)**

Changes to legislation:

There are currently no known outstanding effects for the The National Health Service (Performers Lists) (Wales) Regulations 2004, Section 15.